

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For emergency regulations, use form REGS-1-E instead.
 For non-substantive technical amendments and repeals proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
 of the
DEPARTMENT OF PUBLIC HEALTH

NAME OF AGENCY:

Concerning

SUBJECT MATTER OF REGULATION:

PUBLIC DRINKING WATER QUALITY STANDARDS

Section 1. Section 19-13-B102 of the Regulation of Connecticut State Agencies is amended by adding subsection (w) as follows:

(NEW) (w) Generator and emergency contingency and response plan requirements.

(1)(A) Each CWS shall have installed and maintained in accordance with the schedule in Table 1-W1 of subsection (w)(1)(A) of this section based on the CWS's type a standby stationary on-site generator capable of providing sufficient power to supply the maximum starting power demands and the running demands of the CWS at each of the CWS's facility locations. At a minimum, the generator shall be equipped with an automatic transfer switch system, fueled by either propane or natural gas, protected against inclement weather and vandalism, and mounted in a location that meets all applicable state and local requirements. For purposes of subsection (w) of this section, "facility location" means, and shall include, but is not limited to, sources, pumping stations, treatment plants, and storage tanks at which electric power is required to maintain a continuous supply of potable water at adequate volume and pressures.

TABLE 1-W1. COMPLIANCE DATES

If the CWS is this type of CWS	The CWS shall comply with subsection (w)(1)(A) of this section within:
(1) CWS serving \geq 100,000 people	1 year of the effective date of subsection (w) of this section
(2) CWS serving 10,000 – 99,999 people	2 years of the effective date of subsection (w) of this section
(3) CWS serving $<$ 10,000 people	3 years of the effective date of subsection (w) of this section

(B) A CWS may use a portable generator to meet the requirements of subsection (w)(1)(A) of this section if the CWS meets the following requirements:

(i) The portable generator is capable of providing sufficient power to supply the maximum starting power demands and the running demands of the CWS at the facility location at which the portable generator will be used;

(ii) The CWS shall have installed at the facility location at which a portable generator will be used a manual or automatic transfer switch system to facilitate transition to generator power;

(iii) The portable generator shall be protected against inclement weather and vandalism and, when in use, connected to a location that meets all applicable state and local requirements; and,

(iv) The CWS shall have installed at the facility location at which a portable generator will be used suitable controls and connections by which to connect the portable generator.

(C) A CWS may use an alternative source of backup power to meet the requirements of subsection (w)(1)(A) of this section if the CWS obtains department approval of such alternative source. To request approval of an alternative source of backup power, the system shall submit an application to the department requesting approval of such alternative source. Such application shall include the reason or reasons for requesting to use the alternative source of backup power, including information regarding the effectiveness of such alternative source as a source of backup power, and shall be submitted in accordance with subsection (t) of this section. Such department-approved alternative source of backup power shall meet the following requirements in subsection (w)(1)(C)(i) through (iv), inclusive, of this section:

(i) The alternative source of backup power is capable of providing sufficient power to supply the maximum starting power demands and the running demands of the CWS at the facility location at which the alternative source of backup power will be used;

(ii) The CWS shall have installed at the facility location at which an alternative source of backup power will be used a manual or automatic transfer switch system to facilitate transition to the alternative source of backup power;

(iii) The alternative source of backup power shall be protected against inclement weather and vandalism and either mounted in, or, when in use, connected to, a location that meets all applicable state and local requirements; and,

(iv) The CWS shall have installed at the facility location at which the alternative source of backup power will be used suitable controls and connections by which to connect the alternative source of backup power, if applicable.

(D) A standby stationary on-site generator installed by the CWS or a portable generator that was available for use by the CWS prior to the effective date of subsection (w) of this section may be fueled by liquid fuel, instead of propane or natural gas. A standby stationary on-site generator installed or a portable generator to be used by the CWS on or after the effective date of subsection (w) of this section may be fueled by liquid fuel only if the CWS meets the conditions in subsections (w)(1)(D)(i) and (ii) of this section. The following conditions shall not apply to a CWS's replacement of a standby stationary on-site or a portable generator if the standby

stationary on-site or portable generator the CWS is replacing was installed or available for use, respectively, by the CWS prior to the effective date of subsection (w) of this section. For purposes of this section, “liquid fuel” means a liquid fueling agent including, but not limited to, diesel, gasoline, oil, or kerosene.

(i) The liquid fuel used for fueling the standby stationary on-site or portable generator is stored in an above-ground tank with a containment area capable of holding at least 110 percent of the full volume of the tank storing the liquid fuel; and

(ii) The above-ground tank in which the liquid fuel is stored, liquid-fuel supply line and liquid-fueled generator are located more than 200 feet away from the CWS’s source or sources of supply.

(E) Each CWS that has a standby stationary on-site generator or a department-approved alternative source of backup power installed or a portable generator or a department-approved alternative source of backup power that was available for use prior to the effective date of subsection (w) of this section shall submit to the department in writing information regarding such generator or alternative source of backup power within 8 months of the effective date of subsection (w) of this section. If a CWS fails to provide such information to the department within 8 months of the effective date of subsection (w) of this section, the department will not recognize the CWS’s generator or department-approved alternative source of backup power as a generator or department-approved alternative source of backup power, respectively, installed or available for use prior to the effective date of subsection (w) for purposes of subsection (w)(1)(E) of this section.

(2)(A) Each CWS that is not subject to the requirements in section 25-32d of the Connecticut General Statutes shall prepare within 8 months of the effective date of subsection (w) of this section, an emergency contingency and response plan. The plan shall contain the CWS’s preparations for and proposed responses to any disruption of the CWS’s supply of water to the CWS’s consumers due to a loss of power of the CWS’s water supply, including, but not be limited to, the following information:

(i) The CWS’s plan for restoring service to the CWS’s consumers in the event of a disruption of the CWS’s supply of water to the CWS’s consumers due to a loss of power of the CWS’s water supply;

(ii) The CWS’s plan for maintaining an adequate and safe supply of water to the CWS’s consumers during a disruption of the CWS’s supply of water to the CWS’s consumers due to a loss of power of the CWS’s water supply; and,

(iii) The CWS’s plan for notifying the CWS’s consumers and local emergency management officials, including the department and the chief elected official of any municipality and any local health department or district health department in which the CWS is located, in accordance with section 19-13-B46 of the Regulations of Connecticut State Agencies, of the status of the CWS prior to, during, and following an event during which there is a disruption of the CWS’s supply of water to the CWS’s consumers due to a loss of power of the CWS’s water supply.

(B) The plan shall be kept up to date and on file at the CWS. The CWS shall make the plan available to the department for review at the time of a sanitary survey and upon the request of the department.

(3) Each CWS subject to subsection (w) of this section shall test at the frequency recommended by the manufacturer of the generator or the department-approved alternative source of backup power the ability of the generator or the department-approved alternative source of backup power, respectively, to operate the CWS. If the CWS uses a portable generator to meet the requirements of subsection (w) of this section, the test shall include connecting the portable generator to the facility location at which the portable generator will be used. All tests intended for compliance with subsection (w) of this section shall be made under the load equivalent to the load requirements for the CWS and facility location under normal operations. The CWS shall maintain a record of the test results, including the generator or the department-approved alternative source of backup power's ability to provide the CWS with sufficient power to supply maximum starting power demands and the running demands of the CWS. The CWS shall make the test results available for review by the department upon the request of the department.

(4) Each CWS subject to subsection (w) of this section shall submit to the department in writing a verification that the CWS has complied with the requirements of subsection (w) of this section in its annual submission required under the provisions of section 25-33 of the Connecticut General Statutes.

(5) Failure to comply with the provisions of subsection (w) of this section may result in the imposition of a civil penalty under the provisions of section 25-32e of the Connecticut General Statutes.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

(A) The purpose of this amendment to section 19-13-B102 of the Regulations of Connecticut State Agencies is to ensure that every community water system is supported by an emergency generator or a department-approved alternative source of backup power. The amendment will also ensure that community water systems have emergency contingency and response plans to guide community water systems prior to, during and after power outages. Both the requirements for generators or department-approved sources of back-up power and the plans will help systems to prevent loss of water pressure or water outages, thereby protecting the system from exposure to bacterial contamination and associated waterborne diseases. (B) The amendment to section 19-13-B102 of the Regulations of Connecticut State Agencies requires community water systems to have emergency generators or department-approved sources of backup power and emergency contingency and response plans. (C) Amendments were made to section 19-13-B102 of the Regulations of Connecticut State Agencies.

CERTIFICATION*This certification statement must be completed in full.***I hereby certify that the above Regulation(s)**

- 1) is/are (check all that apply) ☐ adopted ☒ amended ☐ repealed by this agency pursuant to the following authority(ies): (complete all that apply)

a. **Connecticut General Statutes section(s)** §§ 19a-36 and 25-32.

b. **Public Act Number(s)** _____.

(Provide public act number(s) if the authorizing act has not yet been codified in the Connecticut General Statutes.)

And I further certify

- 2) that **Notice of Intent** to adopt, amend or repeal said regulation(s) was electronically submitted to the Secretary of the State on _____, and posted to the Secretary's regulations website on _____; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)
- 3) and that a public hearing regarding the proposed regulation(s) was held on _____ or ☐ that no public hearing was held; (Insert date(s) of mandatory public hearing(s) held pursuant to CGS 4-168(a), as amended, or other applicable statute, and/or voluntary hearing, or if no hearing was held, check the box for that statement.)
- 4) and that notice of **Decision to Take Action** on said regulations was electronically submitted to the Secretary of the State on _____, and posted to the Secretary's regulations website on _____; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)
- 5) and that said regulation(s) is/are **EFFECTIVE** (check one, and complete as applicable)
- ☐ When posted online by the Secretary of the State.

OR ☐ on (insert date) _____.

6) SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED	DATE
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended.

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

APPROVED ☐ in WHOLE or WITH ☐ technical corrections ☐ deletions ☐ substitute pages

☐ DEEMED APPROVED, pursuant CGS 4-170(c), as amended.

☐ Rejected without Prejudice ☐ Disapproved, pursuant to CGS 4-170(c), as amended.

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

Date Posted to SOTS Regulations Website:

Date Electronic Copy Forwarded to the Commission on Official Legal Publications:

SOTS file stamp:

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Section 4-168, as amended by PA 13-247, section 28, and PA 13-274, and CGS Section 4-170.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in [brackets]. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The *Certification Statement* portion of this form must be completed, including all applicable information regarding notice submission and website posting date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the Certification Statement page)

1. a) Indicate whether the regulation contains newly adopted sections, amendments to existing sections, and/or repeals of existing sections. **Check all cases that apply.**
b) Indicate the specific legal authority that permits or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
2. An agency must electronically submit notice of its intent to adopt the regulation to the Secretary of the State at regulations.sots@ct.gov for posting on the Secretary's regulations website. Enter both the date notice of intent was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website. For emergency regulations, use Form Regs-1-E instead of this form. For non-substantive technical amendments and repeals adopted without prior notice or hearing as permitted by subsection (g) of CGS 4-168, use Form REGS-1-T instead of this form.
3. CGS 4-168(a), as amended by PA 13-247 and PA 13-274, prescribes requirements for holding a public hearing on proposed regulations. Enter the date(s) of all hearing(s) held under that section, if any, also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law; and enter the date(s) of any public hearing(s) the agency elected to hold voluntarily. If no public hearing was held, mark (X) the check box.
4. **NEW REQUIREMENT:** CGS 4-168(d), as amended by PA 13-247 and PA 13-274, prescribes requirements electronically submitting notice of decision to take action (proceed with adoption) of a proposed regulation for posting to the Secretary's regulations webpage. Enter both the date notice of decision was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website.
5. As applicable, enter the specific effective date of the regulation; or indicate that it is effective upon posting online by the Secretary of the State. **Please note the important information below.**
Permanent regulations adopted after July 1, 2013 are effective upon posting online by the Secretary of the State (SOTS), or at a *later* date specified by the agency, or at a *later* date if required by statute. See CGS 4-172(b). An effective date may not precede the date of posting online by SOTS, and it may not precede the effective date of the public act requiring or permitting the regulation.
6. Submit the original proposed regulation to your agency commissioner for signature.